

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CLARENCE J. FRANKLIN, JR.,)	
)	
vs.)	CAUSE NO. 3:04-CV-307 RM
)	
CITY OF SOUTH BEND, <i>et al.</i> ,)	

OPINION AND ORDER

On April 15, Mr. Franklin filed another motion for relief from the court's order dismissing his case. Again, Mr. Franklin asserts the court must have relied on material outside the record because the court referenced his state court convictions. However, "[d]espite the express language of Fed.R.Civ.P. 12(b) ... [a] district court may also take judicial notice of matters of public record without converting a 12(b)(6) motion into a motion for summary judgment." Henson v. CSC Credit Services, 29 F.3d 280, 284 (7th Cir. 1994) (quotations and citations omitted). Mr. Franklin also argues the court considered documents he submitted so failure to convert the motion to dismiss violated his constitutional rights. While the court has afforded Mr. Franklin some degree of leniency because he was representing himself, he can be assured the court did not consider matters outside the pleadings when it decided the defendants' motions to dismiss. Therefore, the court DENIES Mr. Franklin's motion [Doc. No. 50].

SO ORDERED.

ENTERED: May 9, 2005

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court